

ILLEGIB

THE WHITE HOUSE
WASHINGTON

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October 10, 1975

Another meeting
Tuesday next.

MEMORANDUM FOR:

PHIL BUCHEN
BILL COLBY
HENRY KISSINGER
ED LEVI
JIM LYNN
DON RUMSFELD
JIM SCHLESINGER

FROM:

JACK MARSH

SUBJECT:

Executive Order Establishing
Restrictions on the Intelligence
Agencies

The attached redraft of the executive order restricting activities of foreign intelligence agencies incorporates the views of the various concerned agencies as expressed in yesterday's meeting.

Your attention is called to several sections of the executive order over which differences of opinion still exist:

(1) This redraft contains, in Section II(c), the same language concerning electronic interception of wire or oral communication as did the previous draft. The Attorney General would instead have the order prohibit:

"Electronic surveillance conducted within the United States without (i) the consent of the subject, or one of the parties under surveillance, or (ii) without prior written authorization of the Attorney General."

(2) Section II(a)(2)(ii), exempting collection of information on domestic activities of United States citizens which is collected abroad or from a foreign source, has been limited in this draft to persons "who in good faith are reasonably believed to be involved in international terrorist or narcotics activities or working in collaboration with foreign nations or organizations." The CIA would additionally include persons who are believed to be "a source of valuable foreign intelligence information." The scope of this exception remains to be defined.

(3) A concern has been expressed that counterintelligence activities will be unduly constricted under the current draft. The domestic and foreign aspects of counterintelligence activities often cannot be easily separated, and there exists a legitimate need for sharing of information on counterintelligence leads between domestic and foreign collecting agencies. One possible solution is the addition of an exception, which would be Section II(a)(2)(v), as follows:

(v) Information provided by another federal agency which had been lawfully compiled by that agency in furtherance of its authorized mission and responsibility, when such information is provided:

(a) in furtherance of the authorized mission and responsibilities of the receiving agency;

(b) in good faith under a reasonable belief that the information is relevant to the receiving agency; and

(c) under guidelines and procedures issued by the Attorney General designed to ensure the protection of the constitutional and statutory rights of United States citizens.

In view of these still unresolved issues, a meeting will be scheduled for Tuesday, October 14 to put together the final executive order to go to the President, including optional language if there is no consensus on portions of the order.

Attachment